

NORTHERN DISTRICT OF CALIFORNIA

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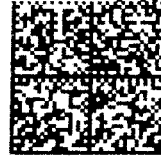
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U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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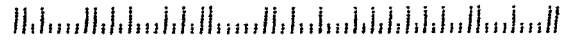
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Rosario Marinello
390 Melrose
Pacific Grove, CA 93950

CV08-00664 EDL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROSARIO MARINELLO,

No. C-08-00664 EDL

Plaintiff,

**ORDER RE: PLAINTIFF'S MOTION
FOR DEFAULT JUDGMENT**

v.

CA DEPARTMENT OF CORRECTIONS AND
REHABILITATION,

Defendant.

The Court has received Plaintiff's Motion for Default Judgment, which was filed on March 25, 2008. The docket reflects that on February 28, 2008, after the Court granted Plaintiff's application to proceed in forma pauperis, summons was issued as to Defendant California Department of Corrections and Rehabilitation. No return of service has been docketed. A motion for default judgment is not appropriate until Defendant has been served, the time for Defendant to respond to the complaint has passed and the clerk has entered Defendant's default. See generally Fed. R. Civ. P. 55. Because there is no evidence that any of these events have occurred, Plaintiff's Motion for Default Judgment is denied without prejudice as untimely. Plaintiff may renew her motion for default judgment if it later becomes appropriate to do so under Rule 55.

To the extent that Plaintiff's filing constitutes her case management conference statement for the case management conference on May 6, 2008, the Court will retain the document and consider it in preparation for the case management conference. In the meantime, if Plaintiff has not already done so, she should obtain the Pro Se Handbook from the clerk's office at 450 Golden Gate Avenue

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1 in San Francisco or on-line at www.cand.uscourts.gov.

2 **IT IS SO ORDERED.**

3 Dated: April 2, 2008


ELIZABETH D. LAPORTE
United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROSARIO MARINELLO,
Plaintiff,

Case Number: CV08-00664 EDL

CERTIFICATE OF SERVICE

v.

CA DEPARTMENT OF CORRECTIONS
AND REHABILITATION et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 3, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rosario Marinello
390 Melrose
Pacific Grove, CA 93950

Dated: April 3, 2008

Richard W. Wieking, Clerk


By: Lili M. Harrell, Deputy Clerk

Orders on Motions

3:08-cv-00664-EDL Marinello v. California Department of Corrections & Rehabilitation
ADRMOP, E-Filing, ProSe

U.S. District Court
Northern District of California
Notice of Electronic Filing or Other Case Activity

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Case Name: Marinello v. California Department of Corrections & Rehabilitation

Case Number: 3:08-cv-664

Filer:

Document Number: 11

Docket Text:

ORDER RE: PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT [9]. Signed by Judge Elizabeth D. Laporte. (Attachments: # (1) Certificate of Service) (lmh, COURT STAFF) (Filed on 4/3/2008)

3:08-cv-664 Notice has been electronically mailed to:

3:08-cv-664 Notice has been delivered by other means to:

Rosario Marinello
390 Melrose
Pacific Grove, CA 93950

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: G:\EDLALL\2008\08-0664\default.ord.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=4/3/2008] [FileNumber=4272665-0] [879f0faed7a336205eaceec61bb89b87016b7ff27648f8f349acf0be2ed8db8d37e0ee483a09d9be48ce2200223f84dbcf7e0173dbf6b9c5fe75c30b4406e18a]]

Document description: Certificate of Service

Original filename: G:\EDLALL\2008\08-0664\certserv.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=4/3/2008] [FileNumber=4272665-1] [8e44b89b742012a56a6ec17bfd8c8ee747f8b54fc5ec488ff30ad9117fbd82deb3937a3ae11f448a1d1aa294cc98ad46f6942948ab89ffab2e0fc3e554e765be]]